IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

CRP.No. 913 of 2005(H)

AGAINST THE ORDER DATED 28/07/2005 IN IA. 431 /2005 IN OS.39/2005 of WAKF TRIBUNAL, KOZHIKODE
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REVN. PETITIONERS/DEFENDANTS NOS. 1 TO 4:
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1. MANAKKAL JUMATHPALLI COMMITTEE, REPRESENTED BY ITS SECRETARY P.ABOOBACKER MASTER, S/O.MUHAMMED, VADAKKUMBRAM AMSOM, MAVANDIYOOR DESOM, TIRUR TALUK.

2. P.ABOOBACKER MASTER, S/O.MUHAMMED, SECRETARY, MOONNAKKAL JUMATH PALLI COMMITTEE, VADAKKUMBRAM AMSOM, MAVANDIYOOR DESOM, TIRUR TALUK.

3. V.P.SUBAIR, S/O.ALIYAMUTTY, PRESIDENT, MOONNAKKAL JUMATH PALLI COMMITTEE, VADAKKUMBRAM AMSOM, MAVANDIYOOR DESOM, TIRUR TALUK.

4. V.P.SADAKKATHULLA, S/O. KUNHIMARAKKAR, TREASURER, MOONNAKKAL JUMATH PALLI COMMITTEE, VADAKKUMBRAM AMSOM, MAVANDIYOOR DESOM, TIRUR TALUK.

BY ADV. SRI.BABU KARUKAPADATH
ADV. SRI.K.A.NOUSHAD

CRP.No. 913 of 2005(H)

RESPONDENTS/PLAINTIFFS AND DEFENDANT NO.5:

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1. V.P. MUHAMMED ALIAS MANUTTY. S/O. KUNHIMUHAMMED,
MUTHAVALLI AND KARANAVAR,
MOONNAKKAL JUMATH PALLI COMMITTEE,
VADAKKUMBRAM AMSOM, MAVANDIYOOR DESOM,
TIRUR TALUK.

2. V.P. JAMAL MOHAMMED, S/O. HURIAR KUTTY ALIAS BAPU,
VADAKUMPURAM AMSOM,
MAVANDIYOOR DESOM, TIRUR TALUK.

3. KERALA WAKF BOARD, ERNAKULAM
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
ERNAKULAM.

R1 AND R2 BY ADV. DR.K.B.MUHAMED KUTTY (SR.)
ADV. SRI.K.M.FIROZ
R3 BY ADV. SRI.A.A.ABUL HASSAN, SC, WAKF BOARD

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. NO. 286 OF 2007 IN C.R.P.NO. 913 OF 2005

DISMISSED.

06.02.2007

SD/- KURIAN JOSEPH, JUDGE.
SD/- K.T. SANKARAN, JUDGE.

/true copy/

P.A. TO JUDGE

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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C.R.P. No. 913 OF 2005

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Dated this the 6th February, 2007

O R D E R

Sankaran, J:

Plaintiffs in O.S. No. 39 of 2005 on the file of the court of the Wakf Tribunal, Kozhikode filed I.A.No. 431 of 2005 for an order directing the defendants to produce the accounts and minutes in respect of the Wakf. The Tribunal allowed the application by the order impugned in this revision.

2. Defendants Nos.1 to 4 in the suit challenge the order of the Tribunal. It is contended that the suit itself is not maintainable as the plaintiffs are not members of the Mahal and that they are not persons interested in the Wakf. Learned counsel for the respondents/plaintiffs submitted that it is clearly stated in paragraph '7' of the plaint that the first plaintiff is the present Muthavally of the Wakf. It is also stated that the second plaintiff is the son of late Hurair Kutty , who was the Muthavally

approved by the Wakf Board earlier.

3. The question as to whether the plaintiffs are entitled to file the suit or whether they are persons interested in the Wakf and whether the first plaintiff is the Muthavally of the Wakf, are all matters to be considered at the time of trial. The prayer in the present application is only for a direction to produce documents which are admittedly in the possession of the respondents in the application. The Tribunal, in our view, rightly allowed the application. No grounds are made out for interference under section 83(9) of the Wakf Act. There is no illegality, irregularity or impropriety in the order or proceedings.

Civil Revision Petition lacks merit and it is accordingly dismissed. No order as to costs.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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